

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GATX Technology Corporation,

Plaintiff,

v.

**Commonwealth Capital Corp and
Avon Products, Inc.,**

Defendant.

:

:

: Civil Action No. 02-CV-03225

:

:

:

:

:

:

Commonwealth Capital Corporation,

Plaintiff,

v.

Avon Products, Inc.,

*Defendant and Third
Party Plaintiff*

v.

**El Camino Resources, Ltd.
and GATX Technology Services
Corporation,**

Third Party Defendants.

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: Civil Action No.01-CV-6915

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ORDER

AND NOW, this _____ day of _____, 2002, upon consideration of the Motion to Consolidate of GATX Technology Services Corporation ("GATX"), and the response thereto, it is hereby ORDERED that the Motion to Consolidate is DENIED.

J.

United States District Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GATX Technology Corporation,	:	
	:	
<i>Plaintiff,</i>	:	Civil Action No. 02-CV-03225
v.	:	
	:	
Commonwealth Capital Corp and Avon Products, Inc.,	:	
	:	
<i>Defendant.</i>	:	

Commonwealth Capital Corporation,	:	
	:	
<i>Plaintiff,</i>	:	
v.	:	Civil Action No.01-CV-6915
	:	
Avon Products, Inc.,	:	
	:	
<i>Defendant and Third Party Plaintiff</i>	:	
v.	:	
	:	
El Camino Resources, Ltd. and GATX Technology Services Corporation,	:	
	:	
<i>Third Party Defendants.</i>	:	

**COMMONWEALTH CAPITAL CORPORATION'S MEMORANDUM OF LAW
IN OPPOSITION TO GATX'S MOTION TO CONSOLIDATE**

GATX Technology Corporation ("GATX") filed an interpleader Complaint alleging that it has been holding proceeds of \$ 396,837, plus interest, or \$411,784.53 in all, that it desires to return to one or more of the defendants. However, based upon the judicial admissions made in pleadings in this and a related action now pending before this Court made by plaintiff GATX and co-defendant Avon Products, Inc. ("Avon"), Commonwealth Capital Corporation ("Commonwealth") believes it is the sole entity with a claim on those funds. Accordingly, if

filed a motion for summary judgment in that Interpleader action brought by GATX.

Subsequently, GATX filed a motion to consolidate its interpleader action with the underlying collection action by Commonwealth. A hearing is scheduled on August 7, 2002 on all outstanding motions in the two related cases.

Commonwealth Capital contends that GATX's motion to consolidate should be denied because its own motion for summary judgment is pending and should be granted. However, if Commonwealth Capital's motion for summary judgment is denied, then Commonwealth Capital agrees that the two actions should be consolidated for discovery and disposition.

Respectfully submitted,

SPECTOR GADON & ROSEN, P.C.

By: _____

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July 24, 2002

Attorneys for Commonwealth Capital
Corporation

CERTIFICATE OF SERVICE

I, Bruce Bellingham, hereby certify that on the below date I served a true and correct copy of the attached Plaintiff Commonwealth Capital Corporation's Answer to Defendant Avon Products's Counter-claims upon the following counsel for defendant via First Class Mail:

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By: _____
Bruce Bellingham

Dated: July 24, 2002